

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

Cleveland Bakers and Teamsters Health and
Welfare Fund and Pipe Fitters Local Union No.
120 Insurance Fund v. Purdue Pharma L.P., et
al.

Case No. 1:18-op-45432-DAP

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**SHORT FORM FOR SUPPLEMENTING
AMENDED COMPLAINT AND
AMENDING DEFENDANTS AND JURY
DEMAND**

Plaintiffs submit this supplemental pleading and Second Amended Complaint (“Short Form”) incorporating as if fully set forth herein their own prior pleadings. Plaintiffs also hereby amend their complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in Plaintiffs’ Existing Complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). ECF No. 232.

I. INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiffs’ Existing Complaint (Case No. 1:18-op-45432-DAP, ECF No. 7) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain Defendants that are not listed in Section 2 below are dismissed without prejudice.

II. PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiffs assert claims against the following Defendants:

- Purdue Pharma L.P., Purdue Pharma, Inc.; The Purdue Frederick Company

- Cephalon, Inc.; Teva Pharmaceutical Industries Ltd.; Teva Pharmaceuticals USA, Inc.
- Endo Health Solutions Inc.; Endo Pharmaceuticals Inc.; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.
- Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica n/k/a Janssen, Pharmaceuticals, Inc.; Johnson & Johnson; Noramco, Inc.
- Allergan plc f/k/a Actavis plc; Allergan Finance LLC f/k/a Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.
- Insys Therapeutics, Inc.
- Mallinckrodt plc; Mallinckrodt LLC; SpecGx LLC
- AmerisourceBergen Drug Corporation
- Cardinal Health, Inc.
- McKesson Corporation
- Anda, Inc.
- CVS Health Corporation
- Discount Drug Mart, Inc.
- H.D. Smith Wholesale Drug Company
- Rite Aid Corporation; Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, Inc.
- Walgreens Boots Alliance, Inc. a/k/a Walgreen Co.
- Walmart Inc. f/k/a Wal-Mart Stores, Inc.

2.1 Further, Plaintiffs assert the following claims against the above-listed Defendants:

All Claims for Relief asserted in Plaintiffs' Existing Complaint are incorporated by reference herein. The Fifth Claim for Relief (Statutory Public Nuisance), Sixth Claim for Relief (Common Law Absolute Public Nuisance), Seventh Claim for Relief (Negligence), Ninth Claim for Relief (Injury Through Criminal Acts (R.C. §2307.60)), Tenth Claim for Relief (Unjust Enrichment), and Eleventh Claim for Relief (Civil Conspiracy) therein are asserted against all of the above-named Defendants. The First Claim for Relief (Violation of RICO, 18 U.S.C. §1961, *et seq.*), Second Claim for Relief (Violation of RICO, 18 U.S.C. §1961, *et seq.*), Third Claim for Relief (Violation of the Ohio Corrupt Practices Act, Ohio Revised Code §2923.31, *et seq.*), Fourth Claim for Relief (Violation of the Ohio Corrupt Practices Act, Ohio Revised Code §2923.31, *et seq.*), and Eighth Claim for Relief (Common Law Fraud) therein remain unchanged and are asserted against the Defendants as currently indicated in Plaintiffs' Existing Complaint.

I, Mark J. Dearman, Counsel for Plaintiffs, certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiffs.

I further certify that Plaintiffs hereby add no new defendants or claims and dismiss two previously named entities as defendants in this action: (1) HBC Service Company; and (2) Prescription Supply, Inc. Plaintiffs make no other amendments to Plaintiffs' Existing Complaint through this Short Form.

Dated: March 12, 2019

Signed: s/ Mark J. Dearman

III. COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiffs hereby incorporate by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Opinion and Order implementing the Short Form procedure. ECF No. 1282 ("Order").

- ☐ Common Factual Allegations (§§130- 670 and 746- 813)
- ☐ RICO Marketing Enterprise Common Factual Allegations (§§814-848)
- ☐ RICO Supply Chain Enterprise Common Factual Allegations (§§849-877)

4. If additional claims are alleged below that were not pled in Plaintiffs' Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiffs assert the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

IV. CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's Order and any subsequent amendments are incorporated in this Short Form by reference, in addition to the causes of action already asserted in Plaintiffs' Existing Complaint (check all that apply):

- ☐ First Claim for Relief – Violation of RICO, 18 U.S.C. §1961, *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the "RICO Marketing Defendants")) (*Summit County* Pleadings, §§878-905)
- ☐ Second Claim for Relief – Violation of RICO, 18 U.S.C. §1961, *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the "RICO Supply Chain Defendants")) (*Summit County* Pleadings, §§906-938)

6. Plaintiffs assert the following **additional claims** as indicated (below or attached):

7. To the extent Plaintiffs wish to **dismiss claims** previously asserted in Plaintiffs' Existing Complaint, they are identified below and will be dismissed without prejudice.

WHEREFORE, Plaintiffs pray for relief as set forth in the *Summit County* Pleadings in *In re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804, and in Plaintiffs' Existing Complaint as has been amended herein.

Dated: March 12, 2019

s/ Mark J. Dearman

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

s/ Mark J. Dearman

Mark J. Dearman